

ELECTRICITY*

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CODE OF ORDINANCES

Chapter 7

ELECTRICITY*

* **Cross reference(s)**--Buildings, Ch. 5; fire protection and prevention, Ch. 8; licenses, permits and business regulations generally, Ch. 14.

State law reference(s)--Electrical installations, generally, 30 M.R.S.A. § 2551 et seq.

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ARTICLE I. IN GENERAL**Sec. 7-1. Liability for damages.**

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electric wiring, devices or equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability by reason of the examination authorized by this chapter or the permit issued as provided in this chapter.

(Code 1966, § 6-3-4.5)

Sec. 7-2. Persons erecting, maintaining, using poles and wires to indemnify city.

Every person erecting or maintaining or using poles or wires to conduct electricity shall, in the case of loss or damage, indemnify and save harmless the city, its officers, agents and servants from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles or wires or the transmission of electric current by the means thereof; the city, its agents and servants, exercising the rights and powers given herein, shall not be held liable by such person or corporation on account thereof by reason of any injury or damage caused thereby.

(Code 1966, § 6-3-3.6)

Sec. 7-3. Rights restricted when erecting poles, stringing wire.

All poles erected and wires strung for the conducting of electricity in the city shall be subject to the following conditions:

No permanent rights shall be obtained in the streets or public grounds by reason of such use; and such wires or poles shall be subject to change of location or removal when deemed necessary for the public interests on order of the council, and in case of fire such wires may be cut or removed if necessary by order of the city electrician or fire chief without claims upon the city therefor.

(Code 1966, § 6-3-3.7)

Secs. 7-4--7-13. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY**Sec. 7-14. Applicability of provisions in buildings and licenses chapters to electrical inspector.**

The provisions in Chapter 5, Buildings, and in Chapter 14, Licenses, Permits and Business Regulations Generally, which refer to "inspectors of the city" shall be applicable to the electrical inspector.

Sec. 7-15. Electrical department created.

The electrical department of the city is hereby created.

(Code 1966, § 2-4-1)

Charter reference(s)--Authority of council to establish departments, § 203.

Sec. 7-16. Authority to render electrical system inoperative for violations.

When any electrical work or wiring is found to have been installed without a proper permit having been secured, or to be not in accordance with the provisions of this chapter, the electrical inspector is hereby authorized and empowered to remove the fuses, cut the wires, or otherwise render the system inoperative until such permit has been secured or the work of wiring reinspected and approved.

(Code 1966, § 6-3-4.3)

Sec. 7-17. Authority to condemn, disconnect wires, apparatus, fixtures, appliances and render service inoperative upon finding defects.

Any electrical wires, apparatus, fixtures or other appliances used for electrical purposes, which may, at any time, become so defective as in the opinion of the electrical inspector to be a possible source of fire or accident, or of danger to persons or property, shall be condemned by the inspector, and when, in his opinion, it is necessary in order to prevent such accident or danger, the inspector is hereby authorized to disconnect such wires, apparatus, fixtures or other appliances or to cause the same to be disconnected from service.

In case any person owning or using any electrical wires, apparatus, fixtures or other appliances which have been condemned by the inspector shall fail to have the same put in safe condition and accepted by the inspector within forty-eight (48) hours after the same has been condemned, or within such other reasonable length of time as shall be prescribed by the inspector, the inspector shall remove the fuses, cause wires to be cut or by other means render the system inoperative. Upon such system being rendered inoperative, no person shall, in any manner, reconnect the same or cause the same to be reconnected until the defects have been corrected and the system approved by the inspector.

(Code 1966, § 6-3-4.4)

Secs. 7-18--7-21. Reserved.

DIVISION 2. CITY ELECTRICIAN**Sec. 7-22. Appointment.**

The city electrician shall be appointed by the city manager.

(Code 1966, § 2-4-1

Charter reference(s)--Authority of city manager to make appointments, § 302.1.

Sec. 7-23. Designated head of electrical department.

The city electrician shall be the head of the electrical department.

(Code 1966, § 2-4-1)

Sec. 7-24. Powers generally.

The city electrician shall be empowered, but not limited, to do the following:

- (1) Order and cause the removal, at the owner's expense, of unsafe wires or wires abandoned for future use, and shall order the substitution of unsafe posts, supports, crossarms, conduits, cables or attachments or insulations attached thereto;
- (2) Shut off electric current when, in his opinion, the public safety so requires or violations of this chapter are in existence;
- (3) Have access at all reasonable times to all wires and appliances in all buildings, whether publicly or privately owned; and
- (4) Do such other acts as are reasonable and necessary to execute the duties of his office, or as the city manager may direct.

(Code 1966, § 2-4-3)

Cross reference(s)--Authority of city electrician to enter premises to inspect for causes of disturbances of radio and television reception, § 17-19.

Sec. 7-25. Duties generally.

The duties of the city electrician shall be to:

- (1) Keep records of all property, its value and location, and all transactions of the electrical department;
- (2) Operate and maintain all departmental equipment including motor vehicles;
- (3) Inform himself of all electrical poles and lines within the city and report hazards to the city manager;
- (4) Inspect for safety by gaining access to all wires and cables, wherever found, notify owners of safety hazards, and seek strict compliance with the law;
- (5) Examine every application for the erection of wires, poles and conduits and

require information of such applications for the kind, size, tested strength and supporting service wires and average volts charged or used by all such apparatus; accept or refuse such applications;

- (6) Make monthly written reports to the city manager, or more often if so directed by the manager, which reports shall include a comprehensive statement of all of the department's activities.

(Code 1966, § 2-4-2)

Secs. 7-26--7-30. Reserved.

DIVISION 3. INSPECTIONS GENERALLY

Sec. 7-31. Access.

The electrical inspector shall have access at all reasonable times to all electrical wires, appliances and apparatus in the interior of public or private buildings which carry or are intended to carry an electric light or power current.

(Code 1966, § 6-3-4.1)

Sec. 7-32. Notice, opportunity to inspect to be given prior to arranging, fixing or changing wires, apparatus.

No person shall arrange, fix or change any electrical wires or apparatus in the interior of public or private buildings, which carry or are intended to carry an electric light or power current, without giving the electrical inspector reasonable notice and opportunity to inspect and approve such wires or apparatus.

(Code 1966, § 6-3-4.1)

Sec. 7-33. Inspection or notice required before concealing, covering wires.

No person having charge of the construction, alteration or repair of any building shall cover or conceal, or cause to be so covered or concealed, any wiring for which a permit has been issued or is required before the wiring has been inspected and approved, without having officially notified the electrical inspector at least forty-eight (48) hours before such covering or concealment.

(Code 1966, § 6-3-4.2)

Sec. 7-34. Certain pipes to be placed prior to placing wiring.

No wiring for which a permit is required shall be placed in any building in process of construction until all gas, steam, sewer, water and furnace pipes have been placed.

(Code 1966, § 6-3-4.2)

Secs. 7-35--7-38. Reserved.

DIVISION 4. PERMITS*

* **Cross reference(s)**--Licenses, permits and business regulations generally, Ch. 14.
State law reference(s)--Electrical permits, fees, 30 M.R.S.A. §§ 2557, 2558.

Sec. 7-39. Permit, proof of state license prerequisite to installations.

No person shall commence work upon the installation of wires for the purpose of conducting electric current for power, heating, illuminating or signaling purposes, or for electrical appliances and apparatus in the interior or exterior of public or private buildings, either new or existing, without first having:

- (1) Shown to the electrical inspector an electrical master's license duly issued by the state; and
- (2) Obtained a permit from the electrical inspector for such work.

(Code 1966, § 6-3-1.1; Ord. No. 25-67, 1-3-68)

Sec. 7-40. Required for alterations of, additions to wires.

No person shall commence work upon the alteration of wires, or the addition to wires already installed and approved by the electrical inspector, without first having obtained a permit from the electrical inspector to do so.

(Code 1966, § 6-3-1.2)

Sec. 7-41. Fees to accompany permit applications.

All applications for electrical permits shall be accompanied by the required fee, the amount of which is prescribed by the Schedule of License, Permit, Inspection and Application Fees established by City Council Order.

(Code 1966, § 6-3-1) (Ord. No. 11-24/24, 1/7/25 [Fiscal Note: Less than \$1000])

Sec. 7-42. Expiration.

Unless otherwise stated, each permit issued pursuant to this article shall be valid for six months from the date of issuance.

(Code 1966, § 6-3-5 ; Ord. No. 15-06/07, 7/2/07 [Fiscal Note : Less than \$1000])

Sec. 7-43. Repealed.

(Code 1966, § 6-3-5; Ord. No. 15-06/07, 7/2/07 [Fiscal Note: Less than \$1000])

Sec. 7-44-7.54. Reserved.

(Code 1966, § 6-3-5; Ord. No. 8-79/80, 10-15-79; Ord. No. 4-84/85, 9-17-84; Ord. No. 11-87/88, 8-17-87; Ord. No. 29-89/90, 6-18-90; Ord. No. 15-06/07, 7/2/07 [Fiscal Note: less than \$1000]; Ord. No. 11-24/24, 1/7/25 [Fiscal Note: Less than \$1000])

ARTICLE III. STANDARDS AND SPECIFICATIONS*

* **State law reference(s)**--Poles and wires, generally, 35 M.R.S.A. § 2441 et seq.

Sec. 7-55. Adoption of electrical code; copies on file; conflicting provisions; enforcement of code; violations and penalties.

- (a) For the purpose of establishing rules and regulations governing all work in connection with the installation or repair of wires, conduits, apparatus, fixtures, radio receiving apparatus such as antennae, lead-in wires, lighting arrestors and grounds and all other electrical appliances of any nature whatsoever, the City hereby adopts the most current National Electrical Code of the National Fire Protection Association adopted by the State of Maine, including all Appendixes, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. The said National Electrical Code is hereby adopted by reference and incorporated as if set out in length herein, and the city clerk shall keep on file in the clerk's office one (1) copy of the said code, which copy shall be kept available for public use, inspection and examination.
- (b) In the event that there shall be any South Portland ordinance provision or state statute inconsistent with or more restrictive than any provision in the said "National Electrical Code", then such local or state provision shall prevail.
- (c) The said "National Electrical Code" is to be enforced by the electrical inspector or their duly authorized representative.
- (d) The penalty for violating the provisions of the said code shall be a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) for each separate violation.

(Code 1966, § 6-3-2.1; Ord. No. 5-72, 4-3-72; Ord. No. 28-74, 12-16-74; Ord. No. 26-77, 12-19-77; Ord. No. 27-80/81, 12-15-80; Ord. No. 12-83/84, 11-21-83; Ord. No. 9-86/87, 12-1-86; Ord. No. 5-90/91, 9-5-90; Ord. No. 3-95/96, 8-7-95 [Fiscal note: Less than \$1000]; Ord. No. 21-95/96, 4-17-96 [Fiscal note: Less than \$1000]; Ord. No. 10-99/00, 6/5/00 [Fiscal Note: Less than \$1000]; Ord. No. 21-08/09, 5/4/09 [Fiscal Note: Less than \$1000]; Ord. No. 11-24/24, 1/7/25 [Fiscal Note: Less than \$1000])

Sec. 7-56. Duty to adopt devices, safeguards to insure safety.

All persons exercising any privileges under this chapter shall adopt and use in their business any devices and safeguards which may from time to time be discovered or invented for the protection of persons and property against injury growing out of the use of electric current if required to do so by the council.

(Code 1966, § 6-3-3.5)

Sec. 7-57. Reserved.

Editor's note--Section 7-57, relative to the submission of certain materials, appliances and devices to the electrical inspector before installation, was repealed by Ord. 28-76, enacted Sept. 20, 1976. Said section was derived from Code 1966, § 6-3-2.2.

Sec. 7-58. General requirements of those owning, operating wires over street or

buildings.

Every person owning or operating a line of wire over streets or buildings in the city shall:

- (1) Use only wires that are suitable and strong;
- (2) Suitably and safely attach them to strong and sufficient supports;
- (3) Properly insulate them at all points of attachment;
- (4) Remove all wires abandoned for future use;
- (5) Suitably insulate every wire where it enters a building;
- (6) If such wire is other than a wire designed to carry an electric light or power current, attach to it at suitable and convenient points in the circuit, in order to prevent danger from fire, and near the place of entering the building, an appliance calculated to prevent at all times a current of electricity of such intensity or volume as to be capable of injuring electrical instruments or causing fire from entering the building by means of such wire.

(Code 1966, § 6-3-3.1)

Sec. 7-59. Erection of wires, fixtures considered an agreement to comply with chapter.

The erection by any person of any wire, pole or other fixture for electrical purposes in the city shall be held to be an agreement on the part of such person to comply with all the requirements, rules and conditions contained in this chapter.

(Code 1966, § 6-3-2.3.2)

Sec. 7-60. Reserved.

Editor's note--Ord. No. 28-76, adopted Sept. 20, 1976, repealed § 7-60, pertaining to wiring generally. Said section was derived from Code 1966, § 6-3-2.3; Ord. No. 25-67, adopted Jan. 3, 1968; and Ord. No. 17-69, adopted Jan. 5, 1970.

Sec. 7-61. Wires above ground to be suspended.

All wires placed above the surface of the ground shall be suspended from poles, buildings or other supports which shall be maintained by the persons using such wires.

(Code 1966, § 6-3-2.3.3)

Sec. 7-62. Permission prerequisite to suspending wires from or attaching wires to buildings.

No wire shall be suspended from or attached to any building for the purpose of conducting electricity unless by special permission of the owner of such building.

(Code 1966, § 6-3-2.3.4)

Sec. 7-63. Duty to make repairs to wires following notice.

Every person owning, leasing or operating electric wires shall, within forty-eight (48) hours after notice served by the city electrician, make such substitution or repairs of posts, supports, crossarms or stays, for the safe carrying of such wires as may be required by the city electrician.

(Code 1966, § 6-3-3.2)

Sec. 7-64. Duty to relocate wires beneath ground; effect of completing relocation.

Whenever the laying of electric wires beneath the ground shall be deemed practicable by the council, all persons maintaining or using wires aboveground shall, when so required by the council, take down and remove, at their own expense, all their poles used for the support of such wires and place their mains and conducting wires beneath the ground. Upon relocation all authority to erect and maintain poles for the purpose aforesaid shall then cease.

(Code 1966, § 6-3-3.5)

Sec. 7-65. When open wiring on insulators may be approved.

Open wiring on insulators may be approved for temporary work and for wiring not accessible to other than qualified persons in substations and in generator, transformer, switching and motor rooms.

(Code 1966, § 6-3-2.5; Ord. No. 25-67, 1-3-68; Ord. No. 12-71, 6-21-71)

Sec. 7-66. Poles carrying wires to be stenciled.

All poles carrying electric wires shall be designated by stencil with the names of companies or persons owning or using the same.

(Code 1966, § 6-3-3.4)

Sec. 7-67. Permitting pieces of wire to be left on streets.

No person shall, for more than twenty-four (24) hours, permit pieces of wire to be left on the surface of any street or sidewalk.

(Code 1966, § 6-3-2.3.1)

Sec. 7-68. Permitting unused coils or loose wire ends to remain attached to crossarms, posts.

No person shall permit unused coils or loose ends of wire to remain attached to any crossarm or post for a period of time exceeding twenty-four (24) hours.

(Code 1966, § 6-3-2.3.1)

Sec. 7-69. When cutout, shutoff required.

Whenever an electric light current is carried into a building by conductors from an exterior source, a suitable shutoff or cutout must be provided at a point as near as possible to the entrance of such building.

(Code 1966, § 6-3-3.4)

Sec. 7-70. Conduits.

Rigid metal conduit or approved bushing is required when exterior construction of a building consists of rough stone, stucco, or metal siding.

(Code 1966, §§ 6-3-2.4, 6-3-2.6; Ord. No. 12-71, 6-21-71; Ord. No. 11-72, 6-19-72; Ord. No. 28-76, 9-20-76)

Sec. 7-71. Reserved.

Editor's note--Ord. No. 28-76, adopted Sept. 20, 1976, repealed § 7-71, providing that surface wooden raceway would not be approved. Said section was derived from Code 1966, § 6-3-2.5; Ord. No. 25-67, adopted Jan. 3, 1968; and Ord. No. 12-71, adopted June 21, 1971.
